

Program A: Legal

Program Authorization: HB 1411 of the 1999 Regular Session of the Louisiana Legislature

PROGRAM DESCRIPTION

The mission of the Legal Program is to provide quality legal assistance to all offices, boards, and commissions that are part of Public Safety Services.

The goals of the Legal Program are:

1. To manage legal services in an effective, efficient, and professional manner.
2. To improve collection of fines and convictions in all areas of litigation.

The attorneys of the litigation section provide legal advice, prepare legal documents, handle litigation affecting the department, process civil service appeals, draft legislation and regulations, and assist with administrative hearings.

OBJECTIVES AND PERFORMANCE INDICATORS

Unless otherwise indicated, all objectives are to be accomplished during or by the end of FY 2001-2002. Performance indicators are made up of two parts: name and value. The indicator name describes what is being measured. The indicator value is the numeric value or level achieved within a given measurement period. For budgeting purposes, performance indicator values are shown for the prior fiscal year, the current fiscal year, and alternative funding scenarios (continuation budget level and Executive Budget recommendation level) for the ensuing fiscal year (the fiscal year of the budget document).

1. (KEY) To defend 100% of driver's license suits, State Civil Service and State Police Commission appeals of disciplinary actions, denial of subpoenas dueces tecum and public record requests, administrative actions of the Office of the State Fire Marshal, and administrative actions of the Office of State Police Transportation and Environmental Safety Section (TESS).

Strategic Link: This objective accomplishes the following strategic objectives: Strategic Objective I.2: *To successfully litigate 100% of Driver's License cases each year*, and: *To successfully litigate 100% of the Denial of Subpoenas Dueces Tecum and Public Record Request*; and Strategic Objective I.2.3.4: *To provide litigation support and representation to the appointing authorities of the Office of Public Safety Services.*

Louisiana: Vision 2020 Link: Not applicable

Children's Cabinet Link: Not applicable

Other Link(s): Not applicable

| L E V E L | PERFORMANCE INDICATOR NAME | PERFORMANCE INDICATOR VALUES | | | | | |
|-----------------------|--|--|--|---|---|--|---|
| | | YEAREND PERFORMANCE STANDARD FY 1999-2000 | ACTUAL YEAREND PERFORMANCE FY 1999-2000 | ACT 11 PERFORMANCE STANDARD FY 2000-2001 | EXISTING PERFORMANCE STANDARD FY 2000-2001 | AT CONTINUATION BUDGET LEVEL FY 2001-2002 | AT RECOMMENDED BUDGET LEVEL FY 2001-2002 |
| | Driver's License Suits: | | | | | | |
| K | Percentage of driver's license suits defended | 100% | 100% | 100% | 100% | 100% | 100% |
| K | Number of driver's license suits defended | 300 | 287 | 300 | 280 ¹ | 300 | 300 |
| K | Percentage of appeals that result in affirmation of driver's license suspension | 95% | 95% | 95% | 95% | 95% | 95% |
| | State Civil Service and State Police Commission Appeals of Disciplinary Actions | | | | | | |
| K | Percentage of Civil Service and State Police Commission appeals defended | Not applicable ² | Not available ² | Not applicable ² | 100% ² | 100% | 100% |
| K | Number of disciplinary actions defended | Not applicable ² | Not available ² | Not applicable ² | 90 ² | 90 | 90 |
| K | Percentage of Civil Service and State Police Commission appeals that result in affirmation of the action of the appointing authority | Not applicable ² | Not available ² | Not applicable ² | 85% ² | 85% | 85% |
| | Denial of Subpoenas Dueces Tecum (SDT) and Public Record Requests | | | | | | |

| | | | | | | | |
|---|---|-----------------------------|----------------------------|-----------------------------|-------------------|------|------|
| K | Percentage of denial of SDT and public records requests defended | Not applicable ² | Not available ² | Not applicable ² | 100% ² | 100% | 100% |
| K | Number of denial of SDT and public records requests defended | Not applicable ² | Not available ² | Not applicable ² | 81 ² | 81 | 81 |
| K | Percentage of denial of SDT and public records requests defended affirmed | Not applicable ² | Not available ² | Not applicable ² | 100% ² | 100% | 100% |
| | Administrative Actions of the Office of the State Fire Marshal | | | | | | |
| K | Percentage of Fire Marshal administrative actions defended | Not applicable ² | Not available ² | Not applicable ² | 100% ² | 100% | 100% |
| K | Number of Fire Marshal administrative actions defended | Not applicable ² | Not available ² | Not applicable ² | 52 ² | 52 | 52 |
| K | Percentage of Fire Marshal administrative actions defended affirmed | Not applicable ² | Not available ² | Not applicable ² | 100% ² | 100% | 100% |
| | Administrative Actions of the Office of State Police, TESS | | | | | | |
| K | Percentage of TESS administrative actions defended | Not applicable ² | Not available ² | Not applicable ² | 100% ² | 100% | 100% |
| K | Number of TESS administrative actions defended | Not applicable ² | Not available ² | Not applicable ² | 250 ² | 250 | 250 |
| K | Percentage of TESS administrative actions defended affirmed | Not applicable ² | Not available ² | Not applicable ² | 95% ² | 95% | 95% |

¹ The FY 2000-2001 performance standard was lowered to 280 by a BA-7 approved in November 2000.

² This is a new performance indicator for FY 2001-2002. It did not appear under Act 10 of 1999 or Act 11 of 2000 and has no performance standards for FY 1999-2000 or FY 2000-2001; therefore, FY 2000-2001 performance standard is an estimate, not a standard.

RESOURCE ALLOCATION FOR THE PROGRAM

| | ACTUAL 1999- 2000 | ACT 11 2000 - 2001 | EXISTING 2000 - 2001 | CONTINUATION 2001 - 2002 | RECOMMENDED 2001 - 2002 | RECOMMENDED OVER/(UNDER) EXISTING |
|---|---------------------------|---------------------------|---------------------------|-----------------------------|----------------------------|---|
| MEANS OF FINANCING: | | | | | | |
| STATE GENERAL FUND (Direct) | \$0 | \$0 | \$0 | \$11,612 | \$0 | \$0 |
| STATE GENERAL FUND BY: | | | | | | |
| Interagency Transfers | 0 | 0 | 0 | 0 | 0 | 0 |
| Fees & Self-gen. Revenues | 1,149,864 | 1,155,397 | 1,139,807 | 1,138,106 | 1,745,820 | 606,013 |
| Statutory Dedications | 520,211 | 520,211 | 520,211 | 520,211 | 520,211 | 0 |
| Interim Emergency Board | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL MEANS OF FINANCING | <u><u>\$1,670,075</u></u> | <u><u>\$1,675,608</u></u> | <u><u>\$1,660,018</u></u> | <u><u>\$1,669,929</u></u> | <u><u>\$2,266,031</u></u> | <u><u>\$606,013</u></u> |
| EXPENDITURES & REQUEST: | | | | | | |
| Salaries | \$871,022 | \$847,146 | \$833,524 | \$828,560 | \$828,560 | (\$4,964) |
| Other Compensation | 8,710 | 6,722 | 6,722 | 6,722 | 6,722 | 0 |
| Related Benefits | 133,535 | 153,336 | 151,368 | 151,879 | 151,879 | 511 |
| Total Operating Expenses | 61,766 | 47,718 | 47,718 | 51,424 | 49,799 | 2,081 |
| Professional Services | 136 | 22,275 | 22,275 | 22,721 | 22,275 | 0 |
| Total Other Charges | 575,395 | 598,411 | 598,411 | 598,923 | 1,197,096 | 598,685 |
| Total Acq. & Major Repairs | 19,511 | 0 | 0 | 9,700 | 9,700 | 9,700 |
| TOTAL EXPENDITURES AND REQUEST | <u><u>\$1,670,075</u></u> | <u><u>\$1,675,608</u></u> | <u><u>\$1,660,018</u></u> | <u><u>\$1,669,929</u></u> | <u><u>\$2,266,031</u></u> | <u><u>\$606,013</u></u> |
| AUTHORIZED FULL-TIME EQUIVALENTS: Classified | 18 | 18 | 16 | 16 | 16 | 0 |
| Unclassified | 1 | 1 | 1 | 1 | 1 | 0 |
| TOTAL | <u><u>19</u></u> | <u><u>19</u></u> | <u><u>17</u></u> | <u><u>17</u></u> | <u><u>17</u></u> | <u><u>0</u></u> |

SOURCE OF FUNDING

This program is funded with Fees and Self-generated Revenues and Statutory Dedications. The Fees and Self-generated Revenues are mainly from fees and fines associated with the Office of Motor Vehicles. The Statutory Dedications are mainly from fees and fines associated with the Riverboat Gaming Fund. (Per R.S. 39:32B.(8), see table below for a listing of expenditures out of each statutory dedicated fund.)

| | ACTUAL 1999- 2000 | ACT 11 2000 - 2001 | EXISTING 2000 - 2001 | CONTINUATION 2001 - 2002 | RECOMMENDED 2001 - 2002 | RECOMMENDED OVER/(UNDER) EXISTING |
|-----------------------------------|----------------------|-----------------------|-------------------------|-----------------------------|----------------------------|---|
| Riverboat Gaming Enforcement Fund | \$520,211 | \$520,211 | \$520,211 | \$520,211 | \$520,211 | \$0 |

ANALYSIS OF RECOMMENDATION

| GENERAL FUND | TOTAL | T.O. | DESCRIPTION |
|-----------------|--------------------|-----------|--|
| \$0 | \$1,675,608 | 19 | ACT 11 FISCAL YEAR 2000-2001 |
| | | | BA-7 TRANSACTIONS: |
| \$0 | (\$15,590) | (2) | Realignment of gubernatorial mandated personnel reduction |
| \$0 | \$1,660,018 | 17 | EXISTING OPERATING BUDGET – December 15, 2000 |
| \$0 | \$4,049 | 0 | Classified State Employees Merit Increases for FY 2001 -2002 |
| \$0 | \$2,081 | 0 | Risk Management Adjustment |
| \$0 | \$9,700 | 0 | Acquisitions & Major Repairs |
| \$0 | (\$8,502) | 0 | Salary Base Adjustment |
| \$0 | \$2,781 | 0 | Civil Service Fees |
| \$0 | \$595,904 | 0 | Increased funding for administrative hearings |
| \$0 | \$2,266,031 | 17 | TOTAL RECOMMENDED |
| \$0 | \$0 | 0 | LESS GOVERNOR'S SUPPLEMENTARY RECOMMENDATIONS |
| \$0 | \$2,266,031 | 17 | BASE EXECUTIVE BUDGET FISCAL YEAR 2001-2002 |
| | | | SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE: |
| \$0 | \$0 | 0 | None |
| \$0 | \$0 | 0 | TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE |
| \$0 | \$2,266,031 | 17 | GRAND TOTAL RECOMMENDED |

The total means of financing for this program is recommended at 136.5% of the existing operating budget. It represents 1.3% of the total request (\$1,743,542) for this program. The increased funding is due to the increased funding for administrative hearings.

PROFESSIONAL SERVICES

\$22,275 Court reporters for production of transcripts of appeals

\$22,275 TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$3,800 Anticipated witness fees, filing fees, etc.

\$3,800 SUB-TOTAL OTHER CHARGES

Interagency Transfers:

\$1,168,723 Division of Administrative Law

\$20,340 To State Police for auto supplies

\$1,452 Maintenance of state buildings

\$2,781 Civil Service fees

\$1,193,296 SUB-TOTAL INTERAGENCY TRANSFERS

\$1,197,096 TOTAL OTHER CHARGES

ACQUISITIONS AND MAJOR REPAIRS

\$9,700 Replacement computer equipment

\$9,700 TOTAL ACQUISITIONS AND MAJOR REPAIRS